REMARKS

Claims 1–31 are pending in this application. Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

The specification is objected to under 35 U.S.C. § 112 as failing to support the invention as it is claimed. Further, claims 4, 5, 7–10, and 18–26 are also rejected under 35 U.S.C. § 112 for the same reasons set forth in the objection to the specification.

Claims 4, 5, 7–10, and 18–26 have been amended to address the § 112 objection. Specifically, claims 4, 5, 7 –10 and 18–26 have been amended to now recite various configurations of product stacks and product pallets which are disclosed and supported by the specification. Accordingly, it is believed the objection to the specification and the rejection of claims 4, 5, 7 –10 and 18–26 under § 112 are obviated.

Claims 1–3, 6, and 15–31 stand rejected under 35 U.S.C. § 102(a) and (e) as being anticipated by Kotler et al (6,540,898). The rejection, as it may apply to the claims presented herein, is respectfully traversed.

Kotler teaches a product irradiator having a collimator. Further, all of the embodiments disclosed in Kotler require the use of a collimator to shape the radiation beam into a desired geometry. As amended, claims 1 and 16 exclude the use of a collimator when irradiating the product pallets. Accordingly, claims 1 and 16, and claims 2–3, 6, 15, and 17–31 which depend therefrom, are not anticipated by Kotler and are allowable over the relied upon art.

For the same reasons that Kotler does not anticipate the claims of the present application, the claims are also nonobvious in view of Kotler. According to Kotler, the dimensions and/or density of a product is determined after the product is placed on the turntable. The radiation beam is then collimated on the basis of the dimensions and/or the density of the product which is to be irradiated. In addition, the rotation of the turntable is also varied depending on the density and dimensions of the product. Therefore, the irradiation parameters (such as, for example, collimator width,

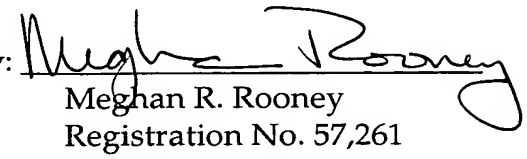
transmitted radiation and instantaneous angular velocity) are varied during the irradiation depending on the dimensions and density of a particular product.

In the present application, the density of a product which is to be irradiated is established before a stack is placed on a turntable. Based on the density of a product, the optimal size of a product stack having that density is then determined and the optimally sized stack arranged and loaded onto the rotation means. Providing a stack of an optimal size obviates the need for having irradiation parameters that are varied during the irradiation of the product stack. Rather, a stack of the predetermined optimal size is loaded on the rotation means and the irradiation occurs without the use of collimators to adjust the radiation beam. Therefore, the present invention is a nonobvious improvement over Kotler.

For at least these reasons, the claims of the present application are nonobvious in view of Kotler. In addition, the Applicant does not agree with the Examiner's concerns regarding the § 103 rejection directed to claims 4, 5, and 7–14 and respectfully traverses the rejection.

Based on the foregoing, reconsideration and allowance of claims 1–31 are respectfully requested.

Respectfully submitted,

By: 
Meghan R. Rooney
Registration No. 57,261

Date: April 3, 2006

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312/577-7000
Facsimile: 312/577-7007